

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the **PATENT APPLICATION** of:

Sutton et al.  
Application No.: 10/598,969  
Confirmation No.: **2719**  
Filed: Not Yet Known  
For: RESPIRATORS  
Group: 3743  
Examiner: Not Yet Known

Our File: SHP-PT090  
Date: August 1, 2007

**COMMUNICATION IN RESPONSE TO  
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371  
In The United States Designated/Elected Office (DO/EO/US) mailed from the Office on  
June 4, 2007, the following are enclosed:

1. Copy of Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US);
2. Fully executed Declaration and Power of Attorney to Customer No. 3624;
3. Fee Transmittal;

**Applicant:** Sutton et al.  
**Application No.:** 10/598,969

4. Credit Card payment of \$130 for a large entity late declaration surcharge fee; and
5. Supplemental Application Data Sheet

Please note that the Notice erroneously indicates that an additional \$360 non-small entity fee for multiple dependent claims is due. This is incorrect due to the fact that **Applicants filed a Preliminary Amendment** with the Application on September 15, 2006, **which eliminated all multiple dependent claims. Therefore, no fee is believed due.**

Early consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

Sutton et al.

By     /Robert J. Ballarini/      
Robert J. Ballarini  
Registration No. 48,684  
(215) 568-6400

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103

RJB/srs  
Enclosures (5)

RJB


**RECEIVED**  
 UNITED STATES PATENT AND TRADEMARK OFFICE

AM/PM

JUN 07 2007

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/598,969	DESIGNATED APPLICANT <b>VOLPE &amp; KOENIG, P.C.</b> Robert Charles Sutton	ATTY. DOCKET NO. SHP-PT090
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 3624  
 VOLPE AND KOENIG, P.C.  
 UNITED PLAZA, SUITE 1600  
 30 SOUTH 17TH STREET  
 PHILADELPHIA, PA 19103

INTERNATIONAL APPLICATION NO. PCT/GB05/50039	
I.A. FILING DATE 03/17/2005	PRIORITY DATE 03/19/2004

 CONFIRMATION NO. 2719  
 371 FORMALITIES LETTER


\*OC000000024203722\*

Date Mailed: 06/04/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/15/2006
- Copy of the International Search Report filed on 09/15/2006
- U.S. Basic National Fees filed on 09/15/2006
- Priority Documents filed on 09/15/2006
- Specification filed on 09/15/2006
- Claims filed on 09/15/2006
- Abstracts filed on 09/15/2006
- Drawings filed on 09/15/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

DOCKETED FOR

 8/04/2007 Missing Req  
 (12/04/2007 Final)

Total additional fees required for this application is \$490 for a Large Entity:

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 360
  - \$360 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/598,969	PCT/GB05/50039	SHP-PT090